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09/699,402	10/31/2000	Masahiro Matsuo	3064NG/49341	6990

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Crowell & Moring LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/699,402

Applicant(s)

MATSUO, MASAHIRO

Examiner

Aravind K. Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13, 16-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-13, 16-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date see attachment.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 3 December 2007.
2. Claims 2-13, 16-20 and 22-26 are pending in the application.
3. Claims 2-13, 16-20 and 22-26 have been rejected.
4. Claims 1, 14, 15 and 21 have been cancelled.

Response to Arguments

5. Applicant's arguments with respect to claims 2-13, 16-20 and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 2, 4-6, 8, 10, 12, 16, 18-20 and 22-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 2, 6 and 22 have been amended to include the limitation that the main device includes a second display operable to display the obtained information. After a careful review of the specification, the examiner has found no support for the main device to have a display much less a display operable to display the obtained information.

Any claims not directly addressed are rejected on the virtue of their dependency.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the first display" in the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 11 is rejected by the virtue of dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 2-20 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballantyne et al U.S. Patent No. 5,867,821.

As to claim 2, Ballantyne et al discloses a network apparatus comprising:

a main device operable to be linked to a network [column 4, lines 52-65];

and

a portable remote controller device operable to remotely control the main device by way of communication [column 8 line 66 to column 9 line 15],

wherein the remote controller device includes:

a first display operable to display information sent from the main device; [column 9, lines 16-61]

an identification code storage storing an identification code of the remote controller [column 12, lines 9-47]; and

an identification code sending section operable to send the identification code to the main device [column 12, lines 9-47];

wherein the main device includes:

an access destination storage storing the identification code of the remote controller and an access destination in the network in a one-to-one correspondence [column 9, lines 1-15];

an access section operable to access the access destination corresponding to the identification code sent from the remote controller device and obtain the information from the access destination [column 12, lines 9-47];

an information sending section operable to send the obtained information to the remote controller device [column 12, lines 9-47]; and

a second display operable to display the obtained information [column 8 line 66 to column 9 line 15];

wherein the remote controller device is operable to send and a display switching signal to the main device [column 8 line 66 to column 9 line 15]; and

wherein the main device determines whether the second display displays the obtained information based on the display switching signal sent from the remote controller device [column 8 line 66 to column 9 line 15].

As to claim 3, Ballantyne et al discloses a network apparatus comprising:

a main device linked to a network represented by the Internet [column 4, lines 52-65], and

a portable remote controller device for remotely controlling the main device by means of communication [column 8 line 66 to column 9 line 15], wherein

the remote controller device includes:

access destination specifying means for specifying an access destination to the main device [column 9, lines 16-61];

display means for displaying information sent from the main device [column 9, lines 16-61];

identification code storage means for storing an identification code identifying itself [column 12, lines 9-47];

the access destination specifying means serving as means for sending the identification cod [column 12, lines 9-47]e; and

the main device includes:

access means for accessing the access destination specified by the remote controller device and obtaining information therefrom [column 12, lines 9-47];

information sending means for sending the information obtained by the access means to the remote controller device [column 12, lines 9-47]; and

access destination storage means for storing the identification code of the remote controller device and the access destination in a one-to-one correspondence [column 9, lines 1-15];

the access means serving as means for accessing the access destination corresponding to the identification code received from the remote controller device [column 9, lines 1-15],

wherein the access destination storage means serves as means for storing a mail address as the access destination [column 15, lines 50-55].

As to claims 4, 5 and 8-11, Ballantyne et al discloses that the first display means of the remote controller device includes title displaying section operable to display a title of the information sent from the main device [column 10, lines 10-27].

As to claim 6, Ballantyne et al discloses a network apparatus, comprising:

a main device operable to be linked to a network [column 4, lines 52-65];

and

a portable remote controller device operable to remotely control the main device by way of communication [column 8 line 66 to column 9 line 15],

wherein the remote controller device includes:

an access destination specifying section operable to specify an access destination in the network and send the specified access destination to the main device [column 9, lines 16-61];

a first display operable to display information sent from the main device [column 9, lines 16-61];

an identification code storage storing an identification code of the remote controller [column 12, lines 9-47];

wherein the main device includes:

an access section operable to access the specified access destination and obtain the information from the access destination [column 12, lines 9-47];

an information sending section operable to send the obtained information to the remote controller device [column 12, lines 9-47]; and

a second display operable to display the obtained information [column 8 line 66 to column 9 line 15];

wherein the information sending section of the main device appends an identification code to the information and sends the information together with the appended identification code to the remote controller device [column 9, lines 16-61]; and

wherein the remote controller device further includes a display disabling section that disables the first display to display

the sent information, when the appended identification code, is not in conformity with the stored identification code [column 9, lines 16-61].

As to claims 7 and 16-20, Ballantyne et al teaches that the main device and the remote controller device communicate with each other using infrared rays [column 14, lines 30-34].

As to claims 12 and 13, Ballantyne et al discloses the network apparatus, wherein:

the information sending section of the main device appends an identification code to the information and sends the information together with the appended code to the remote controller device [column 9, lines 16-61]; and

the remote controller device further includes a display disabling section that disables the first display to display the sent information when the appended identification code is not in conformity with the stored identification code [column 9, lines 16-61].

As to claims 24 and 25, Ballantyne et al discloses storing, by the main device, and ID code, electronic mail address and password of each of the portable remote controller device and the another portable controller device in a one-to-one correspondence [column 9, lines 1-15].

As to claim 26, Ballantyne et al discloses that the access destination storage stores a mail address as the access destination [column 15, lines 50-55].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne, Jr. et al U.S. Patent No. 5,867,821 in view of Russell-Falla et al U.S. Patent No. 6,266,664.

As to claim 22, Ballantyne et al discloses a method for accessing information over a network comprising:

 sending a request for information from a portable remote controller device having a first display to a main device having a second display [column 8 line 66 to column 9 line 15];

 obtaining the requested information from the network [column 9, lines 16-61];

 providing the obtained information from the main device to the remote controller device [column 9, lines 16-61];

 displaying the sent information on the first display of the remote controller device [column 9, lines 16-61];

 sending a display switching signal from the remote controller device to the main device [column 9, lines 16-61].

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Ballantyne et al does not teach determining whether the second display of the main device displays the obtained information based on the display switching signal sent from the remote controller device.

Russell-Falla et al teaches storing filtering information [column 5, lines 47-64]. Russell-Falla et al teaches blocking digital data from being displayed when the content is unsuitable or potentially harmful to the user [column 5, lines 47-64].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ballantyne et al so that the set-top box or a computer would have had a setting for the portable remote controller device based on the display switching signal. There would have been a determination of whether an output to the display device coupled to the main device is allowed is based on the stored setting. It would have been determined whether an output to a display device coupled to the main device was allowed. The output would have been disabled to the display device when it is determined that the output is not allowed.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ballantyne et al by the teaching of Russell-Falla et al because it prevents minors from viewing pornographic material [column 3 line 52 to column 4 line 3].

As to claim 23, Ballantyne et al teaches the method, comprising:

sending another display switching signal from another remote controller device to the main device [column 9, lines 16-61]; and

determining whether the second display of the main device displays information requested from the another remote controller device based on the another display switching signal sent from the another remote controller device [column 9, lines 16-61].

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy 

February 16, 2008

CHRISTOPHER REVAK
PRIMARY EXAMINER

